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**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

CEDRIC WALKER,  
Plaintiff,  
v.  
JAMES VARELA, et al.,  
Defendant(s).

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) Case No. CV 10-2441-JFW (SP)

) **ORDER ACCEPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE**

)  
Pursuant to 28 U.S.C. § 636, the Court has reviewed the Second Amended  
Complaint, records on file, and the Report and Recommendation of the United States  
Magistrate Judge. Neither plaintiff nor defendants have filed any written Objections  
to the Report within the time permitted. The Court accepts the findings and  
recommendation of the Magistrate Judge.

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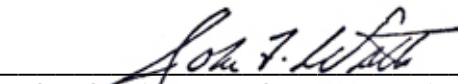
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1 IT IS THEREFORE ORDERED that (1) defendants' Motion to Dismiss  
2 plaintiff's excessive force claim as against defendants James Varela, Ruben Duenas,  
3 and Gregorio Vasquez is denied; (2) defendants' Motion to Dismiss plaintiff's  
4 prayer for injunctive relief is denied; and (3) defendants' Motion to Dismiss the  
5 remaining defendants and claims from the Second Amended Complaint and this  
6 action is granted, and therefore the following claims and defendants are dismissed:  
7 (a) the retaliation claim; (b) the due process claims; (c) the claim of deliberate  
8 indifference to medical needs; (d) the claim for failure to train; (e) the claims for  
9 violations of 42 U.S.C. §§ 1985, 1986 and state tort law; and (f) defendants Toni  
10 Trendera, Kenneth E. Thomas, Sr., A. Martinez, Kenneth E. Thomas, Jr., Emmanuel  
11 Du, and B.M. Cash.

12 Defendants Varela, Duenas, and Vasquez are ordered to answer the remaining  
13 claim in the Second Amended Complaint within 15 days of this Order.

14  
15 DATED: December 3, 2012

  
HONORABLE JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE